

## DEPARTMENT OF AGRICULTURE

## Animal and Plant Health Inspection Service

## 9 CFR Part 93

[Docket No. 97-104-2]

## Specifically Approved States Authorized To Receive Mares and Stallions Imported From Regions Where CEM Exists

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Direct final rule; confirmation of effective date.

**SUMMARY:** On February 6, 1998, the Animal and Plant Health Inspection Service published a direct final rule. (See 63 FR 6063-6064, Docket No. 97-104-1.) The direct final rule notified the public of our intention to amend the animal importation regulations by adding Oklahoma to the lists of States approved to receive certain mares and stallions imported into the United States from regions affected with contagious equine metritis. We did not receive any written adverse comments or written notice of intent to submit adverse comments in response to the direct final rule.

**EFFECTIVE DATE:** The effective date of the direct final rule is confirmed as: April 7, 1998.

## FOR FURTHER INFORMATION CONTACT:

Dr. David Vogt, Senior Staff Veterinarian, Animals Program, National Center for Import and Export, VS, APHIS, 4700 River Road, Unit 39, Riverdale, MD 20737-1231, (301) 734-8423; or e-mail: dvogt@aphis.usda.gov.

**Authority:** 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102-105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(d).

Done in Washington, DC, this 24th day of March 1998.

**Terry L. Medley,**

*Administrator, Animal and Plant Health Inspection Service.*

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

[Docket No. 97-NM-228-AD; Amendment 39-10413; AD 98-06-34]

RIN 2120-AA64

## Airworthiness Directives; Aerospatiale Model ATR-42 and ATR-72 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to all Aerospatiale Model ATR-42 and ATR-72 series airplanes, that requires revising the Airplane Flight Manual (AFM) to modify the limitation that prohibits positioning the power levers below the flight idle stop during flight, and to provide a statement of the consequences of positioning the power levers below the flight idle stop during flight. This amendment is prompted by incidents and accidents involving airplanes equipped with turboprop engines in which the ground propeller beta range was used improperly during flight. The actions specified by this AD are intended to prevent loss of airplane controllability, or engine overspeed and consequent loss of engine power caused by the power levers being positioned below the flight idle stop while the airplane is in flight.

**EFFECTIVE DATE:** May 5, 1998.

**ADDRESSES:** Information pertaining to this amendment may be obtained from or examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

**FOR FURTHER INFORMATION CONTACT:** Mark Quam, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (425) 227-2145; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Aerospatiale Model ATR-42 and ATR-72 series airplanes was published in the **Federal Register** on December 9, 1997 (62 FR 64787). That action proposed to require revision of the Limitations Section of the AFM to modify the limitation that prohibits the positioning of the power

levers below the flight idle stop while the airplane is in flight, and to add a statement of the consequences of positioning the power levers below the flight idle stop while the airplane is in flight.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter, the manufacturer, requests that the proposed rule not be issued specifically against Model ATR airplanes. The commenter states that ATR models already have a "warning" regarding failure of the electro-mechanical gate device. The manufacturer points out that the "warning" contains specific wording that was presented to the FAA during the public meeting held on June 11-12, 1996, in Seattle, Washington. The commenter also states that the proposal appears to indicate that ATR models are particularly affected by the identified unsafe condition. The commenter disagrees, and adds that the in-service experience of these models does not warrant an AD.

The FAA does not concur. The FAA finds that the AFM limitation required by this AD is necessary to prohibit positioning the power levers below the flight idle stop during flight, regardless of the protective features and warnings provided in the design of the affected airplanes. Additionally, although none of the accidents and incidents referenced in the preamble of the proposal involved Model ATR airplanes, the FAA has determined that AD action must be taken against all turbopropeller-powered airplanes (regardless of the design features of the airplane) that are not approved for operation in the beta range during flight. The FAA finds that revising the AFM to prohibit operation below the flight idle stop in flight is necessary in order to correct the identified unsafe condition. The appropriate vehicle for mandating such a requirement is an AD.

This same commenter requests that the wording of the AFM revision that was specified in the proposed rule be revised to reflect the wording of the current AFM revision. The commenter points out that the wording of the proposed AFM change and the wording of the current AFM revision are similar, and that the technical contents are equivalent.

The FAA concurs with the commenter that the wording specified in the proposal is similar to the wording of the current AFM change, and that the technical contents are equivalent. Therefore, the FAA has revised